IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 377 OF 2007

IN

LETTERS PATENT APPEAL NO. 160 OF 2000

Ghanshyam Hashmatrai
Daryani & Anr. .. Applicants.

vs.

Preetam @ Pahlaj Harchandrai
Sippy & Anr. .. Respondents.

Ms. R.C. Nichani for Applicants.
Ms. Nadia Bhatia for respondents.

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CORAM: J.N. PATEL &
A.A. SAYED, JJ.
DATE: 2ND NOVEMBER, 2007.

P.C.

. Heard.

2. By consent of the parties, the civil application can be disposed of. It is the case of the parties that they were not aware of the order dated 10th February, 2004 as the names of the advocates were

not shown on Board and it is only when the respondents moved an application that their claim be heard on priority basis being senior citizens that they become aware of this order.

3. In the peculiar facts and circumstances of the case, we are of the view that the matter came to be dismissed for default due to self-operative order passed by the Court probably in the absence of the learned counsel for the parties and they could not comply with the same. Therefore, we are inclined to restore the appeal. The learned counsel for the applicants submits that they will comply with the requirements of supply of paper book within six weeks. Statement is accepted. The Letters Patent Appeal to stand restored with interim order on the parties supplying paper book within six weeks.

4. The civil application stands disposed of accordingly. No order as to costs.

(J.N. Patel, J.)

(A.A. Sayed, J.)